REMARKS

Summary of the Office Action

In the Office Action dated March 12, 2003, claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,130,418 to Van Rosmalen et al. (hereinafter "Van Rosmalen").

Summary of the Response to the Office Action

Applicants have amended claims 1 and 2 to improve the form of these claims. Applicants have added new claims 3-7. Accordingly, claims 1-7 are now pending in this application.

The Rejection under 35 U.S.C. § 102(e)

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Van Rosmalen.

Applicants have amended claims 1 and 2 to improve the form of these claims. Applicants respectively submit that these amendments are not being made to distinguish over any prior art. Moreover, Applicants submit that no subject matter is relinquished by these amendments.

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), Applicants respectively traverse this rejection and the Office Action's interpretation of Van Rosmalen for the following reasons.

Independent claim 1 recites an optical head apparatus on an optical path of a light beam between an objective lens and an information recording medium, comprising at least the following:

> a detector for detecting a foreign material on a surface of the information recording medium; and a controller for outputting the control signal to move said immersion lens to a position higher than a height of the foreign material.

Applicants respectively submit that Van Rosmalen does not teach or suggest the optical head apparatus of the instant invention with at least the features of claim 1 recited above.

In rejecting claim 1, the Office Action appears to rely on a reference to "dust particles" at column 2 in Van Rosmalen. In the portion of Van Rosmalen cited by the Office Action, Van Rosmalen merely mentions the drawback faced by a particular arrangement for a scanning device described in EP-A 0 727 777 (as reported by Van Rosmalen at column 2, line 21) due to the presence of dust particles on the surface of an optical disc. As recited at column 2, lines 27-32 of Van Rosmalen:

> A drawback of this known scanning device is that any kind of soiling of the aforementioned surface of the optical disc can impair the correct operation of the sliding member. Therefore, measures are necessary to prevent dust particles, grease and the like from settling on the relevant surface. (Emphasis added)

Applicants respectively submit that this recitation of Van Rosmalen merely suggests preventing dust particles from settling on the surface of the optical disk. Applicants further submit that there is no teaching in Van Rosmalen about using the particular arrangement of the instant invention as recited in claim 1 to insure correct operation of an optical head apparatus when there is a foreign material on the surface of the optical disk.

In the instant invention as recited in claim 1, the detector detects "a foreign material fitted onto the surface of the information medium." Applicants respectively submit that, on the contrary, the detectors of Van Rosmalen do not detect "foreign material fitted onto the surface of the information medium."

Specifically, Applicants submit that Van Rosmalen discloses a first and a second detection means with the following features. With regard to the first detection means, Van Rosmalen recites at column 5, lines 22-31:

> In order to ensure an accurate positioning of the main lens 15 relative to the record carrier 1 the scanning device includes a servo system, to which optical error signals, particularly focus error signals and radial error signals, are applied. For this purpose, the detection system 7 includes a detection means, which is known per se and which has been referred to as the first detection means 7A elsewhere in this document. For the purpose of focussing the scanning beam 3 this detection means comprises, for example, a quadrant cell." (Emphasis added)

Accordingly, Applicants respectively submit that the first detection means of Van Rosmalen is directed to detecting focus error signals and radial error signals, and focussing a scanning beam 3, and does not detect "foreign material fitted onto the surface of the information medium," as recited in claim 1 of the instant application.

With regard to the second detection means, Van Rosmalen explains at column 6, lines 54-62, that the second detection means comprises a system of three detectors which cooperate with measurement lenses 59a, 59b and 59c. As discussed at column 7, lines 47-54, this detection system is for obtaining the position and orientation of the auxiliary lens 17 during scanning "[B]y determining a position with respect to the surface 1b of the record carrier 1 at three different locations at a comparatively short distance from the auxiliary lens 17, which position is related to the position and orientation of the auxiliary lens 17" (emphasis added). Accordingly, Applicants respectively submit that the second detection means of Van Rosmalen does not detect "foreign material fitted onto the surface of the information medium," as recited in claim 1 of the instant application.

Furthermore, Applicants respectively submit that the Office Action has not indicated any portion of the Van Rosmalen reference that teaches or suggests "a controller for outputting the

control signal for the movement unit to move said immersion lens to a position higher than a height of the foreign material."

In view of the foregoing remarks, Applicants respectfully submit that Van Rosmalen does not teach or suggest each feature of independent claim 1. As pointed out in MPEP § 2131, "[to] anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art of reference. Verdegaal Bros. V. Union Oil Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Thus, Applicants respectfully submit that independent claim 1 is in condition for allowance as not being anticipated by Van Rosmalen. Moreover, Applicants respectively submit that claim 2 should be allowed for at least the same reasons as discussed above for independent claim 1 upon which it depends. Accordingly, Applicants respectfully request that the rejection of claims 1 and 2 under 35 U.S.C. § 102(e) be withdrawn.

Newly Added Claims 3-7

Applicants have added claims 3-7 to describe differently the subject matter of the invention. Applicants respectively submit that no new matter is being introduced in these claims as they are supported by the disclosure in the specification and drawings as filed.

Newly added independent claim 3 recites an optical head apparatus on an optical path of a light beam between an objective lens and an information recording medium comprising:

> an immersion lens positioned at a floating height with respect to a surface of the information recording medium; a detector that measures a height of a foreign material on a surface of the information recording medium; a controller for outputting a control signal corresponding to the height of the foreign material if the height of the foreign material is larger than the floating height of the

immersion lens; and a movement unit that moves the immersion lens to a position higher than the height of the foreign material, the movement unit moving the immersion lens by a distance corresponding to the control signal.

In light of the discussion above with regard to independent claim 1, Applicants respectively submit that Van Rosmalen does not teach or suggest the optical head apparatus of the instant invention with at least the features of claim 3 recited above. Applicants further submit that dependent claims 4-7 are allowable for at least the same reasons as claim 3 upon which they depend.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application, withdrawal of all rejections and objections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

Attached hereto is a marked-up version of the changes made by the current amendment. The attachment is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**."

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

New claims 3-7 are added.

Claims 1 and 2 are amended as follows:

1. (Amended) An optical head apparatus[,] on an optical path of a light beam between an objective lens and an information recording medium, comprising:

an immersion lens to increase a numerical aperture in the light beam;

a movement unit for moving said immersion lens [in the direction to separate thereof] away from the information recording medium [corresponding to] in accordance with a control signal;

a detector for detecting a foreign material [fitted onto the] on a surface of the information recording medium; and

a controller for outputting the control signal to [separate] move said immersion lens to [the higher] a position higher than [the] a height of the foreign material [by said movement unit].

2. (Amended) The optical head apparatus according to [Claim] claim 1, wherein

said movement unit includes a magnetic field generator for generating [the] a magnetic field [of the] with an intensity corresponding to the control signal, and a magnet integrally provided with said immersion lens, and

said controller outputs [the] a control signal for the magnetic field generator to generate [the] a magnetic force for [to separate] moving said immersion lens to the [higher] position

higher than the height of the foreign material [to said magnetic field generator corresponding to] in accordance with the detection result of said detector.